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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2759/2026

KISHAN SAHA AND ANR
SON OF SANJIT KUMAR SAHA, PRESENT R/O HOUSE NO 10, RATHKHOLA, FATASIL AMBARI, MB ROAD, BYE LANE- 2, P.S. FATASIL AMBARI, DIST.- KAMRUP (M), ASSAM, PERMANENT RESIDENT OF R/O- 13/49, WARD NO. 13, PARA-NARAURA, P.O.- BISHALGARH, P.S.- BISHALGARH, DIST.- WEST TRIPURA, TRIPURA- 799102

2: RABIUL HOQUE
SON OF BADIR ALI
R/O VILLAGE- KAMALPUR
P.S.- KAMALPUR
DIST.-KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN, R KHA,MR K K S PATGIRI,MS N HASAN

Advocate for the Respondent : PP, ASSAM,

B E F O R E

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

15.09.2026

Heard Mr. M I Hussain, learned counsel for the petitioners. Also heard the

learned Public Prosecutor for the State of Assam.

2. This is an application under Section 483 of the BNSS, 2023, for grant of regular bail to the petitioners, namely, Kishan Saha and Rabibul Hoque, who were arrested on 25.07.2026, in connection with Hatigaon P.S. Case No. 151/2026, registered under Sections 351(2)/308(5)/308(2)/127(2)/61(2) of the BNS, 2023.

3. The brief facts of the prosecution case, as revealed from the FIR, are that the informants lodged an FIR before the Officer-in-Charge, Hatigaon Police Station, alleging, inter alia, that they had arrived at Guwahati from Badarpur by train on 23.07.2026 in connection with their business and were staying at a hotel in Paltan Bazar. It is alleged that one Burhan Uddin Khan, an associate of the informants, along with two unknown persons, took them to Friends Inn Lodge situated at Hatigaon, where they were allegedly wrongfully confined, physically assaulted, and threatened with a demand to pay a sum of Rs. 30,00,000/-. According to the FIR, out of fear for their lives, the informants transferred an amount of Rs. 6,81,700/- through online transactions from different bank accounts and further agreed to pay the remaining amount through hawala. It is further alleged that when the complainant's brother, Didarul Haque Barlaskar, went to deliver the hawala amount, the police

apprehended two persons, namely, Rabiul Haque and Kishan Saha, who are alleged to be the aforesaid unknown persons involved in the commission of the offence. On the basis of the said FIR, Hatigaon P.S. Case No. 151/2026 was registered under the above-mentioned provisions of law and investigation commenced.

4. The learned counsel for the petitioners submits that they are not FIR-named accused and that the co-accused in the case has been granted interim pre-arrest bail by order dated 03.08.2026, passed in AB 1750/2026. Another co-accused, namely, Majidul Hoque, was granted bail by this Court by its order dated 14.09.2026 in Bail Appln. 2705/2026. It is further submitted that the petitioners have been in custody for 51 days.

5. The learned Public Prosecutor submits that the CD may be called for. However, having regard to the period of detention, the nature of the allegations, and the fact that the petitioners have already been interrogated, this Court is of the view that the prayer for bail can be considered at this stage. Accordingly, the prayer for bail is allowed on furnishing a bail bond of Rs. 50,000/- with two sureties of the like amount, subject to the satisfaction of the learned Addl. Sessions Judge No. 5, Kamrup(M), Guwahati, and subject to the following conditions:

(i) The petitioners shall appear before the Investigating Officer as and when required and shall cooperate with the investigation;

(ii) The petitioners shall not tamper with the evidence or influence the witnesses; and

(iii) The petitioners shall not commit any similar offence while on bail.

6. The petition stands disposed of as allowed.

JUDGE

Comparing Assistant